

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

JUSTIN L. JONES,  
Plaintiff,

v. Civil Action No. 3:18-cv-823

MICHELLE C. WILSON,  
Defendant.

**AMENDED ORDER**

This matter comes before the Court on its own initiative. On December 26, 2018, the Court entered an Order dismissing this case without prejudice for lack of subject matter jurisdiction. (Dk. No. 7.) The Court failed to include a notice to the plaintiff of any appeal rights he might have. Accordingly, the Court VACATES the Order and enters this Amended Order in its place.

On December 3, 2018, the Court ordered the plaintiff to explain why the Court has subject matter jurisdiction over his case. (Dk. No. 4.) The plaintiff has not complied with that Order.

As the Court previously explained, federal courts are courts of limited jurisdiction. They can only hear cases that present a federal question, 28 U.S.C. § 1331, and cases for over \$75,000 that arise between citizens of different states, 28 U.S.C. § 1332. If a case fits neither of these situations, the court lacks subject matter jurisdiction. Accordingly, federal courts have a “duty to inquire, *sue sponte*, whether a valid basis for jurisdiction exists, and to dismiss the action if no such ground appears.” *In re Bulldog Trucking, Inc.*, 147 F.3d 347, 352 (4th Cir. 1998). Here, the plaintiff has not identified, and the Court cannot find, a valid basis for either federal question or diversity jurisdiction.<sup>1</sup>

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<sup>1</sup> As far as the Court can tell, the plaintiff and defendant are both citizens of Virginia. Moreover, the federal statute that the plaintiff cites in his complaint, 47 U.S.C. § 558, addresses liability for cable programmers or cable operators, which does not apply to the defendant here.

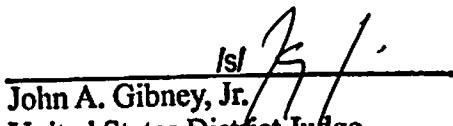
Because the Court lacks subject matter jurisdiction, the Court DISMISSES this case WITHOUT PREJUDICE. *See* Fed. R. Civ. P. 12(h)(3).

Should the plaintiff wish to appeal this Order, he must file written notice of appeal with the Clerk of Court within thirty (30) days of the date of this Order. Failure to file a notice of appeal within this period may result in the loss of the right to appeal.

It is so ORDERED.

Let the Clerk send a copy of this Order to the pro se plaintiff via U.S. Mail.

Date: 27 Dec. 2018  
Richmond, Virginia

  
John A. Gibney, Jr.  
United States District Judge